

REMARKS/ARGUMENTS

Favorable reexamination and reconsideration of the captioned application is respectfully requested.

Claims 1-4, 15-16, 42-45, 50-51, 54-57, 66-68 and 87-89 under 35 USC §103(a) as being anticipated by U.S. Patent 6,889,040 to Koo et al in view of EP Patent 0888026 to Mikko. All prior art rejections are respectfully traversed for at least the following reasons.

As previously stated, independent claims 1, 42, and 58 specify that the access group eligibility message is generated by a radio access network, but that the access group classification is generated by the core network. In other words, the core network decides to what groups the user equipment unit belongs, and separately the RAN broadcasts which groups can access which cells, with the user equipment unit making a comparison between the two sets of information (comparing access group classification and access group eligibility).

Once again, the crux of the office action appears at the top of page 3:

Koo fails to specifically disclose the access group classification having been generated by a core network node, which classified the user equipment unit into at least one of plural access groups. However, Korpela teaches the access group classification having been generated by a core network node, which classified the user equipment unit into at least one of plural access groups (fig. 1, mobile station 15, networks 12 and 13 are UMTS, networks 14 and 11 are GMS, page 2, lines 18-43). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Korpela with Koo to provide a method for relating to the selection of a cell in a situation where there are cells with different qualities of service available.

Despite the allegations of the office action, EP Patent 0888026 gives no indication that any message sent therein is generated by a core network. Indeed, it appears that the message of EP Patent 0888026 which sends the information about base stations serving neighboring cells is generated by the sending base station. In this regard, see, e.g., page 8, lines 25+ wherein it is apparent that the base station maintains a data base whereat information regarding the neighboring base stations is kept. Therefore, the message of EP Patent 0888026 is generated by the base station. As is well known, a base station is part of a radio access network, not a core network. Therefore, EP Patent 0888026 does not teach or suggest a core network generating any type of message, much less an access group classification.

Further, the message described in EP Patent 0888026 is not an access group classification because, e.g., it does not pertain to a classification of the user equipment unit. Rather, the message of EP Patent 0888026 includes the capabilities of neighboring base stations. *See*, e.g., page 4, lines 28 +. The independent claims specifically require that the core network have “classified the user equipment unit into at least one of the plural access groups” or that the access group classification “be “generated by a core network node for advising the user equipment unit as to which of the plural access groups the user equipment unit belongs”. These limitations, among others, are not taught or suggested by either applied reference.

Therefore, EP Patent 0888026 makes no suggestion to Koo that the type of information used by Koo’s mobile station (to check version restriction) would be determined by a core network and downloaded to the mobile station. Moreover, as previously stated, it would make no sense for Koo’s restriction criteria such as manufacturer code, model information, and firmware revision – already resident at the mobile station (and logically so!) – be downloaded (much less generated) from/by a core network. Therefore, there is no plausible basis for combining the two applied references.

In Applicants' independent claims access group classification information is generated by the core network and provided by the core network to the user equipment; access group eligibility is provided "per cell" to the user equipment unit, and the UE itself makes a comparison of the two sets of information for making a decision about which cell it is allowed to enter, without having to further signal the core network. The features of the independent claims are not taught by either U.S. Patent 6,889,040 to Koo et al or EP Patent 0888026 or a combination thereof. Nor would such combination be proper for reasons mentioned above.

Applicants regretfully observe that this is now the *fifth* non-final office action. Yet some claims, such as independent claim 42, remain pending as original claims. In the last three office actions the Examiner has unsuccessfully applied U.S. Patent 6,889,040 to Koo et al with three different combinations, culminating now in EP Patent 0888026. Yet, for reasons including those above, again the rejections fail.

This protracted prosecution is inefficient both for Applicants and the US Patent Office. Applicants fear they have no recourse but to request interview and consultation with a Supervisor or Group Director should such pattern continue.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

HOGAN et al
Serial No. 10/068,001

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Art Unit: 2684

Respectfully submitted,

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